

Appl. No. 10/607,645
Atty. Docket No. 6269RDC
Amdt. dated 3/16/2005
Reply to Office Action of 12/16/2004
Customer No. 27752

REMARKS

Claims 1-21 remain in the application as originally presented.

The specification has been amended at page 1 to update the status of the referenced parent applications.

The specification has further been amended at pages 3, 4, and 7 to correspond the numbering of Figs. 1A, 1B and 1C to the Replacement Sheet drawings filed November 24, 2003.

The specification has additionally been amended at page 4 to correct the label of Figure "1b", i.e., now Fig. 1C, in the Replacement Sheet.

The specification has also been amended at page 7 to properly refer to the application cited therein.

Objections to Drawings

Figures 1A, 1B and 1C are in the case by virtue of the Replacement Sheets, earlier presented.

It is submitted that the corrections to the Specification, discussed above, now meet the objections to the Drawings, per page 2 of the Office Action. Withdrawal of the objections is requested.

Objections to the Specification

As noted above, the Specification has been amended so that the descriptive matter corresponds to the Figures. Moreover, the missing application number (page 7) has been inserted. Withdrawal of the objections is therefore requested.

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Rejections Under 35 USC 102

Claims 1, 7, 8, 14 and 22 stand rejected over U.S. 5,090,832, for reasons of record at page 3 of the Office Action.

Applicants respectfully traverse the rejections on this basis.

The '832 patent relates to a disposable cleaning pad and method, wherein said pad comprises a "scrubber" layer having a front surface and a rear surface. The pad further has a "blotter" layer of absorptive material extending over the sheet on a side opposite the scrubber layer.

Importantly, the rear surface of the scrubber layer of the pad disclosed in '832 is covered by a liquid impervious sheet. (See Abstract and col. 3, line 55, "... an elongated liquid impervious sheet 26 intermediate the scrubber layer 22 and blotter layer 24 ...")

As will be seen from the discussion below regarding the rejections under 35 USC 103, the '832 patent actually teaches away from the present invention. For the present purposes, it is submitted that '832 does not teach the "direct fluid communication" between the scrubbing layer and the absorbent layer, as recited in the present claims. Absent any teaching of this constitutive element, it is submitted that '832 does not teach the present invention under §102, as a matter of both fact and law. Withdrawal of the rejections on this basis is requested.

Rejections Under 35 USC 103

Claims 16-21 stand rejected over '832, for reasons of record at pages 4-5 of the Office Action.

Claims 2 and 9 stand rejected over '832 in view of U.S. 3,629,047, for reasons of record at page 5 of the Office Action.

Claims 3-6 and 10-14 stand rejected over '832, for reasons of record at pages 5-6 of the Office Action.

Applicants respectfully traverse all rejections under §103.

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As stated above, the '832 patent, which is the primary document cited in all the §103 rejections, actually teaches away from the present invention. In '832, the liquid impervious sheet, "... prevents the blotter layer 24 from getting wet while scrubbing with the scrubber layer 22." See '832, col. 4, lines 43-45.

This, of course, is the exact opposite of the present invention, wherein there is direct fluid communication between the scrubbing layer and the absorbent layer.

How, then, does the pad of '832 function? This is described at col. 7, line 45 - col. 8, line 30. Succinctly stated, the '832 pad is the first used in the scrubbing mode, and then must be inverted to effect the absorbing mode.

Again, this is the exact opposite of the present invention, wherein the liquid cleaner passes directly through the scrubbing layer into the absorbent layer.

Of necessity, then, to apply the teachings of '832 to the present invention would entirely change the principle of operation. This is not permissible under §103. MPEP 2143.01; see *In re Ratti* 270 F.2d 810, (CCPA 1959).

Moreover, since '832 teaches away from the present invention - i.e., the communication of liquid between the scrubbing layer and blotting layer is intentionally prevented by means of the liquid impervious sheet (col. 4, lines 43-45) - the '832 patent is not properly combinable with any other document to arrive at a rejection under §103. MPEP 2145 D.2.

In any event, the '047 patent teaches nothing with respect to the present invention, singly, or even assuming *arguendo* that it could be combined with '832.

The teachings of '047 are explicit and clear. The core (scrim) layer comprises a hydrophobic material in the form of strands. This is repeated over and over at col. 2, line 41, line 67, line 75 and col. 3, line 3. Nothing therein suggests a core layer which comprises a superabsorbent material, in the manner of the present invention.

In light of the foregoing, reconsideration and withdrawal of all rejections under 35 USC 103 are requested.

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Double Patenting Rejection

Claims 1-21 stand rejected for obviousness-type double patenting, per page 6 of the Office Action.

The present application is a continuation of U.S. Application Serial No. 09/459,968, filed December 7, 1999, now U.S. 6,601,261 B1, August 5, 2003, assigned on its face to The Procter & Gamble Company, Cincinnati, OH (US). Accordingly, the assignment of '261 automatically carries with it the assignment of the present application.

Submitted herewith is a Terminal Disclaimer over U.S. 6,601,261 B1.

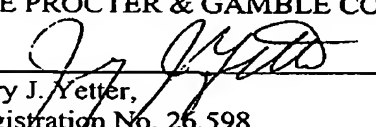
For the record, it is noted that '261 is a Divisional of Application No. 08/7546,999, now U.S. 6,048,123, also assigned on its face to The Procter & Gamble Company. However, no obviousness-type double patenting rejection over '123 has been made.

In light of the foregoing, early and favorable action in the case is requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By


Jerry J. Yetter,
Registration No. 26,598
(513) 627-2996

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Customer No. 27752